

ATTACHMENT B

In The Matter Of:

Todd, et al v.

Carstarphen, et al

Rodney Harleston

December 6, 2016

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DAFFANIE TODD on behalf of)	
herself; R.D., R.D., and)	CIVIL ACTION FILE
D.T., by and through their)	
next friend, DAFFANIE)	NO. 1-16-cv-3729-WSD
TODD,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
MERIA CARSTARPHEN, in her)	
official capacity as)	
SUPERINTENDENT, ATLANTA)	
INDEPENDENT SCHOOL)	
SYSTEM,)	
)	
Defendants.)	
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Deposition of RODNEY HARLESTON, taken on behalf of the Plaintiffs, pursuant to the stipulations contained herein, reading and signing of the deposition being reserved, in accordance with the Federal Rules of Civil Procedure, before Charna S. Perloe, Certified Court Reporter and Notary Public, at 130 Trinity Avenue, SW, Atlanta, Georgia, on the 6th day of December 2016, commencing at the hour of 1:38 p.m.

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This, the 16th day of December, 2016.

**KELLY D'AMICO, CEO
D'AMICO GERSHWIN, INC.**

A P P E A R A N C E S

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Also Present:

John Gainey

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1 MR. FLACK: This is the deposition of
2 Rodney Harleston in the matter of Todd,
3 et al., versus Carstarphen, et al., Civil
4 Case No. 1-16-CV-03729-WSD, filed in the
5 Northern District of Georgia.

6 This deposition is taken pursuant to
7 notice and agreement of counsel for all
8 purposes permitted by law. It is governed
9 by the Federal Rules of Civil Procedure.

10 Does counsel for Mr. Harleston have
11 any objection to the qualification of the
12 officer taking the deposition or to the
13 manner of taking it or to the notice of
14 taking said deposition or as to the time
15 and place thereof?

16 MR. WARCO: I do not.

17 MR. FLACK: All objections except as
18 to form of the question and responsiveness
19 of the answer or privilege are hereby
20 reserved. Is that acceptable?

21 MR. WARCO: Sure.

22 MR. FLACK: Mr. Warco, will the
23 witness read and sign?

24 MR. WARCO: Yes.

25 MS. CHARLES: We need to talk about

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1 that after.

2 MR. FLACK: The time is 1:39 p.m., and
3 The date is Tuesday, December 6, 2016.

4 In addition to myself and
5 Mr. Harleston, the following individuals
6 are present in the room: Craig Goodmark,
7 co-counsel for Plaintiff, Kimberly Charles,
8 co-counsel for Plaintiff, John Gainey, a
9 law student intern with Atlanta Legal Aid,
10 Mr. Laurance Warco, attorney for
11 Defendants, and the court reporter.

12 Mr. Harleston, my name is Jonathan
13 Flack. I'm an attorney with the Atlanta
14 Legal Aid Society, and I represent
15 Ms. Daffanie Todd and her three children,
16 the plaintiffs in this lawsuit.

17 I'm going to ask you a series of
18 questions today relating to your work with
19 Atlanta Independent School System or
20 Atlanta Public Schools. I'll refer to the
21 defendants by their common name, Atlanta
22 Public Schools or APS, and you can do the
23 same.

24 If at any time you do not hear or
25 understand my questions, please tell me.

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1 It is important that you speak slowly and
2 audibly so that the court reporter can
3 transcribe your complete answers.

4 Do you understand that?

5 THE WITNESS: I do.

6 MR. FLACK: I also ask that you answer
7 verbally as opposed to nodding or gesturing
8 because the court reporter can only
9 transcribe verbal responses.

10 Finally, I ask that you let me finish
11 my entire question before you answer in
12 order to ensure a complete transcript. If
13 at any time you would like to take a break,
14 Mr. Harleston, I'm happy to accommodate
15 you. I only ask that if a question is
16 pending, I request that you answer that
17 question before we take the break.

18 Is there anything -- actually,
19 Mr. Warco, do you have any objections to
20 the court reporter swearing in the witness?

21 MR. WARCO: I do not.

22 RODNEY HARLESTON,
23 having been first duly sworn, was examined and testified
24 as follows:

25 ///

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EXAMINATION

BY MR. FLACK:

Q All right. Mr. Harleston, thank you for coming today.

A Okay.

Q Is there anything that would prevent you from testifying truthfully to my questions today?

A No. There is not.

Q Is there anything that would prevent you from testifying accurately to my questions today?

A No.

Q Have you ever been deposed before today?

A No, I haven't.

Q Are you aware that Ms. Todd is claiming in this lawsuit that she's entitled to a reasonable accommodation for her blindness?

A I am.

Q Have you spoken with an attorney in preparation for this deposition?

A No, I haven't.

Q Did you speak with anyone else in preparation for this deposition?

A Maybe I didn't understand the question. I did talk to Mr. Warco before I came in. Okay.

Q Okay.

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1 A Okay.

2 Q So you spoke with Mr. Warco?

3 A Right. I'm sorry. I did.

4 Q It's fine. Please make corrections, if you
5 can think of them.

6 A Okay.

7 Q But it sounds like Mr. Warco is the only
8 person you spoke to; is that right?

9 A It is.

10 Q Did you look at any documents in preparation
11 for today's deposition?

12 A Just the documents I was trying to get ready
13 for you to bring.

14 Q Thank you.

15 In a minute -- well, so you brought documents.
16 Can I see the documents you brought in relation to the
17 subpoena?

18 MR. WARCO: (Presents.)

19 MR. FLACK: Thank you.

20 BY MR. FLACK:

21 Q Can you tell us what these documents are?

22 A Well, I was trying to find everything I had,
23 you know, pertaining to the case. The first document
24 that he had taken off, that was just when I had gotten
25 a call from --

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1 Q I'm going to interrupt you. I'm sorry.

2 MR. GOODMARK: Go off the record real
3 quick.

4 (A discussion ensued off the record.)

5 (Recess from 1:44 p.m. to 1:49 p.m.)

6 (Exhibit P-I was marked.)

7 BY MR. FLACK:

8 Q So I'm just going to take a minute,
9 Mr. Harleston, to identify these documents, and then
10 we'll add them to the record.

11 A Okay.

12 Q So the document I'm handing you is marked as
13 Exhibit I. Can you identify this document?

14 A This is an email that I sent to -- I think
15 it's the supervisor of transportation for my cluster.
16 I sent it after I talked to Mr. Dennison the first time
17 he was requesting transportation, and so I sent an
18 email to Ms. Chandra Ponder.

19 Q Okay. And so Ms. Chandra Ponder or Shandra
20 Ponder, that's the supervisor of transportation for the
21 cluster?

22 A For my cluster.

23 Q Of Continental Colony?

24 A Yeah.

25 Q Who is Kristen Vaughn?

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1 A Kristen Vaughn is the principal of Continental
2 Colony.

3 Q Otherwise known as Dr. Vaughn, right?

4 A Yes.

5 Q Okay. And you said you sent this just after
6 you talked to Mr. Dennison. Do you remember when that
7 conversation was in reference to this email?

8 A I think it was probably the same day. He
9 called and was explaining the situation to me, and I
10 told him that I didn't really have anything to do with
11 transportation, but I would, you know, find out who I
12 needed to talk to and get in touch with him. So that's
13 when I did the email.

14 Q Okay. So you're saying that the first time
15 you talked to Mr. Dennison was on August 11th?

16 A Yes.

17 Q And had you talked with Ms. Todd prior to
18 that?

19 A No, I hadn't.

20 Q Had you heard of the situation with Ms. Todd
21 and Mr. Dennison prior to that?

22 A No, I hadn't.

23 Q Okay. So the first time you learned about
24 this was when you spoke with Mr. Dennison on August
25 11th?

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1 A Yeah.

2 Q Okay. Do you know what action was taken after
3 this email?

4 A I'm trying to remember -- I do remember him
5 getting back in touch with me, and I did talk with
6 Ms. Todd also because Ms. Ponder, I think, talked
7 directly to him. I didn't talk to her. I didn't know
8 what the big deal at first, and so I left -- I just did
9 the email for her to get in touch with him so that she
10 could explain, you know, the reason they could provide
11 the transportation or the reason they could not.

12 Q Okay. So you are saying you think Ms. Ponder
13 spoke with Mr. Dennison sometime after this email?

14 A I think so.

15 Q And it sounded like you also said you had
16 another conversation with Mr. Dennison after this
17 email; is that right?

18 A Yeah. I had a couple of conversations.

19 Q I think we'll put this aside for now and move
20 on to the next document you brought. Thank you.

21 So the next document is marked as Exhibit J.

22 What is this document, Mr. Harleston?

23 A Well, this is just some documentation that I
24 made for R.E.D. It's just some of the things I put in
25 the contact log. This contact log was shorter than her

13

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1 brother's. The siblings, I kind of put them all at one
2 time. I just decided to put a few in. A lot of times,
3 it was the oldest one.

4 This document lists some of the contact I had,
5 conversations that I had and also different discussion
6 with the school social worker enforcing the Georgia
7 Compulsory School Attendance law. It just has the
8 letters and dates that I mailed to the parents about
9 the law and unexcused absence.

10 Q Okay. How are these contact logs generated?

11 A We have what we call Infinite Campus. It's a
12 computer system that the Atlanta Public Schools uses
13 for everything from the grades to discipline to
14 communication and everything, and you can document
15 whatever you need to do in the contact log. So when I
16 got ready to come here, I jut printed out my
17 conversation.

18 Q So is it possible there were other entries
19 besides these four that you had related to R.E.D. that
20 are not on Exhibit J?

21 A I didn't understand.

22 Q I'm sorry. I'll repeat.

23 So is it possible -- are these the only
24 entries of contact within Infinite Campus with regard
25 to R.E.D.?

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1 A That I did, yes.

2 Q So it doesn't list other people that had
3 contacts with R.E.D.?

4 A No. I printed out my conversation. Like, I
5 put my name and printed everything that I did. I put
6 in.

7 Q So did you mail a third warning to Ms. Todd?

8 A No. Actually, I didn't. I have that letter
9 with me. Here is the letter. I didn't even open it.

10 Q Okay. Why did you not mail that letter?

11 A Well, I was told not to because legal was
12 handling it.

13 Q Who told you that?

14 A My coordinator, Dr. Jacquelyn Anthony.

15 Q Sorry. Jack Wan?

16 A Jacquelyn Anthony.

17 Q Do you know about when -- do you know about
18 what date you were going to send that letter?

19 A September 8th. September 8th.

20 Q So you were going to file the third attendance
21 letter on September 8th?

22 A I was going to mail the third attendance
23 letter, and I was going to file my CHINS. It's CHINS,
24 Children in Need of Service. C-H-I-N-S is the acronym,
25 sort of like not a petition, but they changed it. It's

15

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1 sort of like a petition. We have to go to court.

2 Q And we'll explain further when I turn to that.

3 A Okay.

4 Q But, yeah.

5 MR. FLACK: Just going off the record
6 for a second.

7 (A discussion ensued off the record.)

8 BY MR. FLACK:

9 Q So do you know which -- around what date
10 Ms. Anthony instructed you not to mail that letter?

11 A It was on September 8th, 2016.

12 Q Okay. So on that day, was she aware that you
13 filed the CHINS petition?

14 MR. WARCO: Objection and foundation.

15 THE WITNESS: I beg your pardon?

16 MR. WARCO: You can answer.

17 A (By the Witness) I didn't file the CHINS. My
18 plan was I had just completed my package with the
19 CHINS. I had my letter that I had to send to the
20 parents. We have to send a letter also, and then I
21 called to let her know what I was doing, and she asked
22 me not to do it. So that's why I didn't do it.

23 Q I understand.

24 So is it right that Ms. Anthony instructed you
25 essentially not to mail the third attendance letter,

16

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1 not to mail the notice and not to mail the CHINS
2 petition?

3 A It was not to do the CHINS petition because
4 the letter, it was no use sending, since I wasn't going
5 to do it.

6 Q I understand. Was that the first time someone
7 from legal had given you an instruction?

8 A She's not from legal. Oh, I guess she -- that
9 was the first time.

10 Q Okay. For now we'll put Exhibit J aside.

11 A (Presents.)

12 Q Thank you.

13 So moving to Exhibit -- the next exhibit. So
14 moving to this other document that you gave me.

15 MR. FLACK: We're going off the record
16 for a second.

17 (A discussion ensued off the record.)

18 (Exhibit P-J was marked.)

19 BY MR. FLACK:

20 Q Actually, before I move on, page 3 of Exhibit
21 J -- I can just show it to you -- it's a letter dated
22 September 8. That's the letter that you did not send?

23 A Yes, it is.

24 Q And can you just identify that letter in terms
25 of what it --

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1 A That is what we call the third letter. The
2 first letter described the law. The second letter is a
3 little more to it about the attendance law, and the
4 third law -- the third letter is when we let the parent
5 know that we are filing in juvenile court.

6 Q Thank you.

7 (Exhibit P-K was marked.)

8 BY MR. FLACK:

9 Q Moving on to the next document you gave us,
10 which is Exhibit K, can you identify -- do you agree
11 that these four pages are substantially the same with
12 the exception that it's for a different child?

13 A Yes, it is. And it may be more information in
14 the contact log. Normally, I would do it with the
15 oldest child, but it is one mistake I made on the
16 contact log. I did note it in there, and that was on
17 September 27th.

18 On September 27th, when it says "home visit,"
19 that wasn't pertaining to the Dennison children, and
20 when I saw that -- I was looking through my notes -- I
21 did add that little sentence at the bottom.

22 Q Thank you.

23 So just to clarify, you're saying the final
24 entry dated 9/27 on Exhibit K in effect should be
25 scratched because it has no relation to this case or

18

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1 Dennison or Todd?

2 A That's correct.

3 Q Okay. Putting that aside for now.

4 (Exhibit P-L was marked.)

5 BY MR. FLACK:

6 Q So the next document you gave us I'm marking
7 as Exhibit L. Can you just identify that document?

8 A That's the CHINS referral that we're going to
9 do, give to the juvenile court for R.D.D.

10 Q Okay.

11 MR. FLACK: Going off the record for
12 one second.

13 (A discussion ensued off the record.)

14 MR. FLACK: The parties have agreed in
15 order to ensure the confidentiality of the
16 children's names here, we'll refer to the
17 eldest Dennison child as R.E.D., her first
18 name R.E.D. Her middle initial is E. So
19 the court reporter later will redact it and
20 substitute "R.E.D." for R.E.D.

21 And with regard to the 8-year-old
22 child, R.D.D., later the court reporter
23 will redact as "R.D.D.," because his middle
24 initial is D.

25 And to the extent there's discussion

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1 about the youngest child, the 5-year-old,
2 D.T., the court reporter can redact her
3 name as "D.T."

4 BY MR. FLACK:

5 Q So is it correct that you've -- can you
6 identify this document?

7 A Yes. This is referral for juvenile court for
8 CHINS, Children in Need of Service, and it -- you have
9 to complete this. This lists the steps that the
10 school -- you're talking about the fact that the parent
11 did violate the attendance law and the steps that the
12 school did to try to get the children to come to school
13 and just data that they need at the court, a copy of
14 attendance records.

15 Q And which child is this for?

16 A This is for R.D.D.

17 Q Great. Thank you.

18 So we'll move on to the next document you
19 showed me, which I'm marking as Exhibit M.

20 (Exhibit P-M was marked.)

21 BY MR. FLACK:

22 Q Is this the same document with regard to
23 Re'niya?

24 A Yes. It's the same document.

25 Q And these are the CHINS petition -- CHINS

20

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1 petitions referenced on the contact log with regard to
2 September 8 that you didn't file; is that correct?

3 A You're correct.

4 Q Okay. So let's move on. We might get back to
5 some of those documents later.

6 Mr. Harleston, did you see any media coverage
7 about this case?

8 A I saw it a few times on the news, yes, I did.

9 Q Was that TV news?

10 A TV news.

11 Q Did you see any court documents related to
12 this case?

13 A No, I haven't.

14 Q All right. Now I'm going to ask you a
15 couple -- some questions about your educational and
16 professional background to get a sense of your prior
17 work experience.

18 Where did you go to high school?

19 A I went to high school at Jeff Davis High
20 School in Hazlehurst, Georgia.

21 Q In what city?

22 A Hazlehurst.

23 Q Thank you.

24 And what year did you graduate?

25 A 1977.

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1 Q Where did you go to college?

2 A I went to undergrad at Fort Valley State
3 College in Fort Valley, Georgia.

4 Q What year did you graduate?

5 A I think it was 1985.

6 Q And then you later got additional education;
7 is that right?

8 A Yes. I got my master's in social work from
9 the University of Michigan in Ann Arbor, Michigan.

10 Q How long have you been working in your current
11 job?

12 A I think it's about 25 years.

13 Q Wow, that's wonderful.

14 So your current job, can you state your title?

15 A My title is school social worker.

16 Q And you said earlier that you're the social
17 worker assigned to Therrell High School and Continental
18 Colony Elementary; is that right?

19 A That's right.

20 Q Has that been your job title essentially for
21 the last 25 years?

22 A No. That was for the last -- I think this is
23 my fourth year at those two schools.

24 Q Okay. So can you describe what you did five
25 years ago or prior to this job?

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1 A Five years ago I was doing positive behavior
2 intervention and support. The acronym was PBIS.

3 Q Pilot behavior?

4 A Positive behavior -- PB -- positive behavior
5 intervention and support.

6 Q Thank you.

7 Is PBIS substantially similar, though, to
8 being a social worker? Can you explain how it's
9 different?

10 A Not necessarily. PBIS is -- it's called a
11 positive behavior -- positive approach to discipline.
12 It came out a few years ago, and it's supposed to cut
13 down on your suspension and your behavior.

14 What we do is you teach your kids in your
15 school how to act in every situation. We train them on
16 the rules from the hallway to the bathroom to the
17 classroom so that they would know what the rules are
18 and what the expectations are in hope that they don't
19 break the rules.

20 Q And how long were you in that job?

21 A I did that for -- it was about three years,
22 about three years, yeah.

23 But going back, when you asked me about social
24 work, I was just taken out of the school for that
25 particular reason, to do that, but it didn't

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1 necessarily have to be a social worker that did it, but
2 they did ask us to do it.

3 Q Okay. And can you say when you graduated from
4 the University of Michigan?

5 A I graduated the University of Michigan
6 December 1986.

7 Q Okay. So your 25-year statement that you've
8 been -- is that with APS that you've worked with for 25
9 years?

10 A Yes, it is.

11 Q Okay. So what was your first job that you
12 were hired at with APS?

13 A School social worker. I've always been school
14 social worker.

15 Q Okay. So as a social worker, can you give me
16 a sense of your job duties?

17 A One of my job duties, basically as it relates
18 to the Dennison children, was to enforce the Georgia
19 Compulsory School Attendance law.

20 Q And you said it was to enforce that law; is
21 that right?

22 A That's one of my jobs being a school social
23 worker.

24 Q And continue, please.

25 A And that job -- that law says that all

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1 children under the age of -- all children age 6 to 15
2 must attend school.

3 Q Does it say that parents must cause their
4 children to attend school?

5 A Yes. That is in the write-up.

6 Q We'll talk about that statute more.

7 So tell me more about your other job duties.

8 A One of my jobs is also to -- all DFACS cases,
9 the Department of Family and Children's Service cases,
10 any kind of abuse or any kind of neglect, the social
11 worker is in charge of filing that with the Department
12 of Family and Children's Services.

13 I do a lot with juvenile court. I'm kind of
14 the one that juvenile court corresponds with about the
15 progress of their probationers. They come to the
16 school to see them, come to the school to get reports
17 and things like that.

18 For Atlanta Public Schools, I'm over the
19 uniforms for elementary and middle school students. We
20 do have an organization that helps us out with the
21 uniforms. You asked about my job duties.

22 Q Yeah, yeah. This is all . . .

23 A Okay. So I'm over that for Atlanta Public
24 Schools, so the social worker, order uniforms through
25 me for the kids from elementary to middle school. I

25

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1 correspond with the Assistance League of Atlanta to get
2 their uniforms, one of my job duties.

3 Q If I can, let me ask you about what you do
4 with regard to outreach to parents, if anything.

5 A I get all referrals for any type services for
6 families from if there's a need for food and a need for
7 shelter, if there's a need for housing, if there's a
8 need. Just any kind of social services things, it
9 comes to the school social worker.

10 Q So if a parent is in need of some sort of
11 assistance with regard to their children's schooling,
12 that would be something that you and the other school
13 social workers assist with?

14 A That would be one -- a call that we get. It
15 may not be -- we may have to refer them out to
16 somewhere else, someone else in the system. We would
17 probably get that call.

18 Q And if the student or parent is having some
19 issue with transportation, is that also something that
20 could come into your office?

21 A Yes. I mean, we try to work -- whatever
22 barriers it is that causes the child not to come to
23 school, we or a social worker, one of our jobs is to
24 undo that barrier, if we can.

25 Q Who are your supervisors?

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1 A My supervisor, my direct supervisor,
2 coordinator of social work services, is Jacquelyn
3 Anthony.

4 Q And does she work in the same building as you?

5 A No. She works here.

6 Q Okay. And what is her title?

7 A She's coordinator of social work services.

8 Q Thank you. You had just said that. But I
9 wasn't clear.

10 A May I say something else about that?

11 Q Of course.

12 A Now, she is new. This was going on, I think,
13 right before she got here.

14 Q So when did she start?

15 A She started, I can just about tell you, about
16 two or three days before we met with them. It's in one
17 of my notes that we met with them. She was probably
18 about three days or four days in, less than a week into
19 the job here.

20 Q Are you referring to the meeting on August
21 16th?

22 A Yes, yeah. It sounds like that may have been
23 on Thursday. She might have started that Monday. It
24 wasn't long. It was a few days.

25 Q Okay. Do you have any other supervisors?

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1 A I can't remember the title, the social
2 superintendent, but my -- her boss is Nicole Spiller.

3 Q And what's Nicole Spiller's title or your
4 understanding of --

5 A Yeah. I think it's social -- I can't remember
6 the exact title.

7 Q Would you say that she's the head of the
8 social services --

9 A Yes.

10 Q -- office downtown?

11 A Yes.

12 Q Okay. And what's the relationship between
13 your office and the truancy center, which is headed up
14 by Urania Scott?

15 A She is also a social worker. She does a lot
16 with truancy throughout Atlanta with the APD when they
17 have students in the neighborhood and stores and
18 whatever like that. They will call Urania and ask
19 Urania what school they're supposed to be in, kind of
20 figure out why that kid is not in school, and then we
21 try to figure out how to get that kid back into school.

22 As far as working with me, I get calls a lot
23 from citizens, police or whoever is saying that they
24 saw a kid and never enrolled in school or kids hang out
25 in my neighborhoods, in my cluster that I work or

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1 hanging out certain places. I would call Urania. They
2 may do a truancy sweep there.

3 Just recently I called -- well, I was told
4 that there was a 14-year-old girl who wasn't in school
5 at all this year, and so that's when I would call
6 Urania, and she and the police officer will go to
7 investigate.

8 Q And she works with Atlanta Public Schools; is
9 that correct?

10 A That's correct.

11 Q So there was a 14-year-old that hadn't been in
12 school all year?

13 A Right.

14 Q How serious is that from a social services
15 perspective?

16 A It's very serious. We want -- according to
17 the law, kids are supposed to be in school until --
18 legally until age 16. As far as us, citizens, and the
19 social worker, we want our kids educated. So it's very
20 important to us to get them in school.

21 Q Can you tell me the relationship between your
22 office and -- I'm sorry. This one's been answered.
23 I'll just strike that.

24 What is your role with regard to providing
25 services to disabled students?

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1 A With disabled students, we have what they call
2 504. 504 is for kids with any type of illness or
3 disability or whatever that prevents them from coming
4 to school or being enrolled in school.

5 So the student support team chair -- I guess
6 the title would be chair -- is who handles that. So if
7 I had a kid like that, I would contact my 504 person
8 and say we have this, and we'll try to figure out what
9 we need to do to get the kid to school.

10 Q So if a child can't get to school because
11 they're immobile or disabled, the school will help that
12 child get to school; is that right?

13 A My understanding, yes.

14 Q Can you tell me your role with regard to
15 providing services to disabled parents?

16 A I have never had a role to help a disabled
17 parent.

18 Q If there were a disabled parent that, for
19 example, couldn't hear, would you and the school work
20 with them to figure out a way that they could
21 understand what was happening in a parent-teacher
22 conference?

23 A Yes, we would.

24 Q So it does make sense theoretically that the
25 school helps out disabled parents with regard to

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1 certain services; is that right?

2 A Yes, that's correct.

3 Q So if there are disabled parents in your
4 school district, that would be something -- you said it
5 hasn't come across your plate yet. But if there were
6 disabled parents that were having trouble accessing
7 certain services, that would come across your office?

8 A Maybe I can understand your question another
9 way. We do have disabled parents, parents, something
10 that physically or whatever is wrong with parents, and
11 we do -- the social worker, we try to figure out
12 whatever we can to help that parent out. We do
13 referrals, whatever we can do to try to help that
14 parent out.

15 Q And so parents -- so going back to the example
16 about parents, when they participate in parent-teacher
17 conferences, what are some other situations where
18 parents participate in school -- or I'll just strike
19 that, actually.

20 So it's correct that parents -- is it correct
21 that parents need to be a part of their children's
22 education by participating in parent-teacher
23 conferences, for example?

24 A Of course.

25 Q And is it also correct that parents need to be 31

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1 a part of their children's education by participating
2 in IEP meetings?

3 A Yes.

4 Q As well as would you also say the same goes
5 for 504 plan meetings?

6 A Yes.

7 Q And under the compulsory education law,
8 parents are responsible for getting their kids to
9 school; isn't that right?

10 A That's correct, ensuring that their children
11 come to school, yeah.

12 Q So if a parent needs help with accessing --
13 excuse me. If a parent needs help with participating
14 in one of these services that we just discussed --
15 strike this. Sorry. Strike that.

16 So in your job as a school social worker, have
17 you ever dealt with a situation involving challenges
18 students face due to the disability of their parents?

19 A Yes and no, I have. I have helped -- you
20 know, I can't be specific to tell you. I've helped
21 parents get to the school because they were not
22 financially able to get to the school for their -- for
23 meetings or whatever. I try to find someone or find a
24 Breeze card to get the parent to the meeting if they
25 can't get there.

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1 I've had situations where, you know, the
2 principal insists that the parent come to the meeting,
3 and we can't transport them in our car. So I would try
4 to find, you know, a Breeze card or whatever, whatever
5 it takes. We all -- the social workers do things like
6 that whenever we can.

7 Q So there's been a situation you just said
8 where a parent with a disability was not financially
9 able to get their children to school and you helped
10 that parent get to school?

11 A When you say "disability," I was saying as a
12 school social worker, whatever kind of problem they had
13 that would prevent them from coming, I try to figure
14 out something. I do remember a situation come up a lot
15 when the parent can't -- don't have transportation and,
16 then I try to work out something, try to get a Breeze
17 Card or something like that.

18 And I don't know if I've come across a parent
19 with disability. I can remember some instances, you
20 know, the parent is ill or whatever and they can't come
21 to the school, and normally what will happen -- that's
22 happened a lot in my career, a parent can't get to the
23 school.

24 So a lot of times, the principal will
25 correspond between myself and the parent. Either I

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1 take documents there or whatever it takes, you know, to
2 educate a child. That's what we try to do.

3 Q So earlier when you said when a parent is not
4 financially able, it was almost as if that was their
5 inability. It wasn't that they had some physical
6 disability?

7 A Right.

8 Q So if a parent is not financially able to get
9 to school, you have in the past helped that parent get
10 to school?

11 A Yes, I have.

12 Q And can you explain what a "Breeze car" is.

13 A I'm sorry.

14 Q That's okay.

15 A It's a MARTA card. It's a MARTA card.

16 Q Card?

17 A Right.

18 Q I understand.

19 So the school has a small -- so the school has
20 purchased Breeze cards for parents before?

21 A No, they haven't. Sometimes we find them
22 different places. My coworker, they may come across.
23 We do Breeze cards for homeless students. That's part
24 of the law. The school get Breeze cards for various
25 things. But I have been able -- was to find Breeze

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1 cards sometime.

2 Q And you also mentioned that sometimes a parent
3 is ill; is that right?

4 A Right.

5 Q So if a parent is ill and for that reason
6 can't get to the school, it sounds like you said in the
7 past you've helped that parent get to the school; is
8 that right?

9 A Yes. I mean, I've -- not for -- I've taken --
10 I'm trying to find a for instance.

11 I've had homeless students and the parent
12 didn't have -- I've had students, the parents didn't
13 have transportation to come to the school to register
14 their kids. So I carried the registration packet to
15 the parent, as a social worker, to the parent and
16 worked with the school that way to get the child
17 enrolled. Those are the sort of things I was trying to
18 explain.

19 Q Sort of whatever you can to help?

20 A Right, whatever.

21 Q Did you attend Therrell High School
22 graduation?

23 A Yes, I did.

24 Q The current one, 2016?

25 A 20 --

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1 Q This year?

2 A I did.

3 Q And was there a sign language interpreter at
4 that graduation?

5 A Yes, there was.

6 Q Is there a monitor with closed captioning?

7 A I'm a little positive there was, but I was
8 taking up tickets. I was sitting in the back. It's
9 kind of hard to see up front. I'm almost positive
10 there was. I don't know for sure.

11 Q Has there ever been a situation where the
12 school got an interpreter, a sign language interpreter,
13 to come to the school for other examples?

14 A Yes.

15 Q Can you tell me some of those reasons?

16 A Well, I mean, in the past, not since I've been
17 at Therrell or Continental Colony, but with the ESOL,
18 English as a second language, we used to -- we have
19 people that can't -- doesn't speak English, or we have
20 people that need some kind of sign language or anything
21 of that. We would call them, and they would come to
22 the school.

23 Q So if a parent can't participate in their
24 child's education because of English as a second
25 language, the school will provide a service such as an

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1 English -- such as an interpreter to help -- to ensure
2 that they can participate; is that right?

3 A Yeah.

4 Q In so doing, the child is benefitting as well
5 because their parents are therefore more a part of
6 their education; isn't that right?

7 A Yes.

8 Q And isn't it true, then, that that interpreter
9 is also of benefit that is being given to the parent?

10 A I didn't understand.

11 Q So the parent doesn't speak English but the
12 child does; is that right?

13 A Yes.

14 Q And would you agree that the interpreter is
15 being given as a benefit to the parent?

16 A Yes.

17 Q In your job as a social worker, how often do
18 you deal with challenges students face due to
19 disabilities -- I'll strike that. I'll strike that.

20 So this may be repetitive because we've talked
21 about it some. Can you tell me about situations where
22 children have no way to get to school that we haven't
23 already discussed?

24 A Ask me that again.

25 Q I'm wondering about examples of situations

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1 where children couldn't get to school. Can you tell me
2 about other examples that you can recall?

3 A When you say "couldn't," I'm not -- "couldn't"
4 mean they didn't have transportation, may be homeless,
5 and we provide -- through the homeless liaison we
6 provide transportation. Maybe that's what you're
7 talking about.

8 Q Maybe it is.

9 A Something like that.

10 Q So can you tell me more about that initiative,
11 transportation for homeless?

12 A Well, it's a federal law, McKinney-Vento Act,
13 that if a child is in their school of origin, say, for
14 instance, a student becomes homeless while they're --
15 during the year of their school of origin, then it's
16 the school's responsibility to help that child get back
17 in that school.

18 Q And so what does the school do to help them?

19 A Well, it depends. If they -- sometimes we
20 would try to do -- we do MARTA cards, school bus or
21 things like that.

22 Q And does the school sometimes provide
23 transportation?

24 A Yes. It's the law that we have to.

25 Q They provide transportation by giving MARTA

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1 cards; is that right?

2 A Yeah, whichever they need. Sometimes we can
3 connect them with a bus or local transportation. They
4 may get a bus. And sometimes it's more convenient, the
5 Breeze cards. Like with high schools, it's more
6 convenient with Breeze cards.

7 Q But sometimes a bus is rerouted to help the
8 homeless children get to school; is that right?

9 A Yes.

10 Q Are you aware if ever a bus has ever been
11 rerouted to help homeless children get to school where
12 the new route goes into the walk zone?

13 A Ask me that again.

14 Q So the walk zone is an area about a mile --

15 A Within a mile, right.

16 Q -- from the elementary schools. And as I
17 understand it, it's a mile and a half from high
18 schools.

19 A Okay, right.

20 Q Are you aware of any times where a bus was
21 rerouted to pick up someone in need of transportation
22 in a walk zone?

23 A No, not even homeless.

24 Q I'm sorry?

25 A Not even homeless. If they're homeless and it 39

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1 was within a mile and a half, they would still walk.

2 Q All right. I'm going to move on a bit to just
3 the training that APS has given you over the years.

4 So what training has APS given you to help you
5 in your duties as school social worker?

6 A It's so much. I mean, we have monthly
7 in-services from everything that comes under social
8 work, Atlanta Public Schools. I mean, the list is
9 long, from homelessness to --

10 Q So a range of topics?

11 A Right.

12 Q About how often do you attend the training?
13 Once a month or more frequently or less, would you say?

14 A I guess it depends on what kind -- we have --
15 social workers, we have our monthly in-service. We
16 have monthly in-services, right.

17 Q Have they ever provided you with training to
18 better assist individuals with disabilities?

19 A We've had people talk who come with
20 disabilities. We've had, like, especially with the
21 504, the people that work with the 504 in the schools.
22 I can't say recently if we had someone outside that
23 came. Not recently, I would say. I would remember
24 that.

25 Q So can you try to estimate the last time there 40

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1 was a training that you attended with regard to better
2 assisting people with disabilities?

3 A You're saying "training." You're not talking
4 about -- I'm a social worker. We have our social
5 worker training.

6 Q Yeah.

7 A I could say that was this school year. It's
8 going to be -- did we have it -- I think we had it --
9 when we come back to school for the new year, we always
10 have updates, different updates and things from special
11 ed, and students with disabilities, academic, or
12 disabilities. We'll go through the 504. We always
13 have updates from them. And I think we had it, like,
14 in August, sometime in August. I'm not for sure.

15 Q Okay. Thank you.

16 A But it's always here.

17 Q And so in this situation with Ms. Todd, we're
18 dealing with a parent who has a disability, but her
19 students are not disabled; is that right?

20 A Right.

21 Q So when this came across your desk, was it
22 something new, a situation, meaning is it new or was it
23 new when it was a parent who was disabled but not her
24 students? Was that a new situation for you?

25 A That's a new situation where it was going to

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1 affect the child for the entire school year. I would
2 say most of the situations is like as I said: We try
3 to get the parent to school, maybe get a Breeze card or
4 whatever. But that was new for something that would be
5 for the entire year.

6 Q So would you agree that this situation is
7 pretty unique?

8 A Yes, it is.

9 Q You've been a social worker for 25 years; is
10 that right?

11 A Right, with the school system.

12 Q With APS?

13 A Right.

14 Q And prior to that, you were a social worker
15 elsewhere?

16 A Yes.

17 Q So in cumulative, since you graduated, you
18 said, in the mid '80s?

19 A Right, '86, December '86.

20 Q So I'm not very good at math, but maybe 31
21 years or 30?

22 A I guess, something like that. I'm not good
23 with math.

24 Q In all those years, did you ever encounter a
25 situation like this one?

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1 A No.

2 Q And you go to -- sorry.

3 A I can't think of one. I can think a while; I
4 may think of something. I don't remember anything
5 offhand.

6 Q You have friends and colleagues who are other
7 social workers, right?

8 A Yes.

9 Q And you maybe have attended a conference for
10 social workers?

11 A Yes.

12 Q Have you ever heard of someone else talking
13 about a situation like this?

14 A No, not exactly like this one.

15 Q And I'm just going to clarify for myself and
16 for you what I mean by "like this." So this mother is
17 blind, but her children are not; is that right?

18 A That's correct.

19 Q And she lives in a walk zone. So APS won't
20 give her transportation? And she lives in the walk
21 zone; is that right?

22 A Yes.

23 Q And because she lives in a walk zone, there's
24 not a standard bus route that will stop in the walk
25 zone; is that right?

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1 A Correct.

2 Q And the children, one of them was 4 years old
3 when this school year started; isn't that right?

4 A The pre-K, I think, yes.

5 Q Are you aware that the walk to school doesn't
6 have sidewalks?

7 A I'm aware that a part of the walk doesn't have
8 sidewalks.

9 Q That's actually -- that's correct. Thank you
10 for that.

11 So part of the walk doesn't have sidewalks?

12 A Correct.

13 Q And so what I mean by a "situation like this"
14 is -- and I just want you to confirm if this is also
15 your understanding when you were answering the previous
16 questions -- is a situation where we have a blind
17 mother who can't walk, who can't accompany her children
18 to school on that walk, but because they as a family
19 live in the walk zone, there's no bus service in that
20 area, and there are no sidewalks along that route. And
21 so the mother is saying it's too dangerous for my kids
22 to walk alone. I can't do it, and I don't have family
23 to do it.

24 So that situation that I just described, would
25 you agree that that's a fairly unique situation?

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1 A It is.

2 Q So in your professional estimation, is this
3 type of situation likely to repeat itself in the
4 future?

5 MR. WARCO: Object to form.

6 BY MR. FLACK:

7 Q You can answer.

8 MR. WARCO: You can answer.

9 A (By the Witness) When you say "unique," we've
10 always worked things out, you know, from a social
11 worker point of view. I mean, we've done unbelievable
12 stuff to get kids to school.

13 It's some kind of way that we can figure this
14 out, you know. We can find somebody to walk with them.
15 The principal and I were throwing out things that I
16 said earlier. So this is unique that I couldn't figure
17 out anything. Did that answer your question? I don't
18 know.

19 Q Yeah. And I'm also wondering: You said you
20 haven't seen anything like this or heard of anything
21 like this from your colleagues in the last 30 years; is
22 that right?

23 A Heard anything . . .

24 Q That was when I was talking about whether --

25 A Okay. When you asked me that, you're saying

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1 that from my colleagues or my experience where a parent
2 refuses to send a kid to school because they don't have
3 a bus or the parent is disabled and they're not sending
4 kids to school?

5 Q I'll just move on now.

6 So now I just want to talk about the timeline
7 of events with your interactions with Ms. Todd and
8 Mr. Dennison.

9 A Okay.

10 Q But before we turn to this, like I said at the
11 beginning, we can take a break anytime you need.

12 A I'm fine.

13 Q But just let me know.

14 A Okay.

15 Q So earlier you said that the first time you
16 talked with anyone from the Dennison/Todd family was
17 August 11th; is that right?

18 A Yes. I'm almost positive that's right because
19 that's when I notified transportation. So it had to be
20 it.

21 Q On or about August 11th; is that right?

22 A Yes.

23 Q And again earlier you said that prior to that
24 you had not had any interaction with them -- sorry.

25 Strike that.

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1 Prior to August 11th, you hadn't even heard of
2 the situation with this family; is that right?

3 A Seemed like before that it wasn't brought to
4 me as a social worker of needing something, but I want
5 to say I heard someone in the office, maybe the
6 secretary or somebody, say we have some kids that the
7 parent refuses to send to school and they want bus
8 transportation.

9 But it was -- and I think at that time, it was
10 something that we're going to get something
11 accomplished. They're going to come -- working up a
12 plan, that she was refusing to get the kids to school.

13 Q So you heard someone mention something about
14 this family?

15 A I do. I remember. Yeah.

16 Q Do you distinctly have a memory that she
17 used -- or that the person you heard say something
18 about this used the word "refused"?

19 A Let me think. I can't remember the word
20 "refused."

21 Q That's fine.

22 So when you spoke to Mr. Dennison on August
23 11th, did he tell you that Ms. Todd was blind?

24 A Yes, he did.

25 Q Did he tell you that because of this

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1 disability she's not able to accompany her kids to
2 school?

3 A Yes.

4 Q And did she tell you that she wanted her kids
5 to go to school?

6 A Yes. Did she or he?

7 Q Thank you. You spoke to Mr. Dennison?

8 A Correct.

9 Q That's correct. So did he tell you that he
10 wanted his kids to attend school?

11 A Yes. He said he came and walked them the
12 first few days to school.

13 Q Okay. I want to show you one document.

14 MR. FLACK: Laurance, I've got a copy
15 for you.

16 I'm going to mark this as the next
17 exhibit. I'm marking it as Exhibit N.

18 (Exhibit P-N was marked.)

19 BY MR. FLACK:

20 Q This is a handwritten log by Ms. Daffanie Todd
21 about her interactions with Continental Colony
22 Elementary School officials.

23 Can you turn to the second page? And I will
24 just read from the top. After the "circumstance," she
25 says, "Again I explain my situation on August 5th,

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1 2016. Dr. Vaughn passed my problem to the social
2 worker on the week of August 8th."

3 A I don't see that.

4 Q I'm sorry. I'll start again reading from
5 right there, and, again, this is her handwritten notes
6 or recollection.

7 She says, "Again I explain my situation on
8 August 5th, 2016. Dr. Vaughn passed my problem to the
9 social worker on the week of August 8th. I spoke with
10 a Mr. Usher, district superintendent, CCES, his
11 secretary, Ms. Viola, and Mr. Rodney, social worker,
12 CCES."

13 So I wanted to see if you think you might have
14 spoken with Ms. Todd during the week of August 8th.
15 And August 8th was a Monday. You just stated that you
16 spoke with Mr. Dennison on the 11th, which would be
17 Thursday of that week.

18 Do you have any recollection that week of
19 speaking with Ms. Todd?

20 A My first time ever talking to any of the
21 family members was Mr. Dennison.

22 Q On the 11th?

23 A Right.

24 Q Okay. Did Dr. Vaughn -- I'll go off the
25 record.

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1 (Recess from 2:44 p.m. to 2:53 p.m.)

2 BY MR. FLACK:

3 Q So you said earlier that August 11th was the
4 first time you heard about this issue, the issue of
5 Ms. Todd being unable to get her children to school; is
6 that right?

7 A August 11th was when I got the phone call from
8 Mr. Dennison explaining the situation, yes.

9 Q And prior to that, you hadn't even heard about
10 this issue except maybe some office discussion?

11 A I may have, you know. If something would come
12 back as I was reading this, I was trying to remember
13 when was that that Dr. Vaughn said, well, we have this
14 family who wants transportation.

15 And so I -- either she said I contact
16 transportation and they said no way; either she was
17 saying that they did. But I do think it may have been
18 prior to the 11th, and I think it's when she said
19 something about --

20 Q It's on the second page.

21 A Somewhere in here, it says the week of August
22 8th she spoke. I think she talked with Dr. Vaughn, and
23 it could have been around that time, but it wasn't
24 like -- it wasn't, I need your help or she sent me a
25 referral. I think that she thought that it was

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1 completed when she referred it to transportation, and I
2 think that was probably between the 8th and the 11th.

3 But as far as the family, my first time
4 hearing from a family member was Mr. Dennison on the
5 11th.

6 Q But you just said that perhaps Dr. Vaughn
7 spoke with you about it before the 11th?

8 A Yes, but not in a problem sense, what I'm
9 saying. I think it was more she said something about
10 it, but she felt like she was working it out because
11 she had called transportation or referred to
12 transportation, something like that, yes.

13 Q Okay. I'm going to show you another document
14 which I'll mark as Exhibit O.

15 (Exhibit P-O was marked.)

16 BY MR. FLACK:

17 Q Do you see the entry dated August 17th,
18 Mr. Harleston?

19 A Yes.

20 Q And it references a meeting on August 16th?

21 A Yes.

22 Q So isn't it correct that you had a meeting
23 with Ms. Todd and other school officials on August
24 16th?

25 A Yes.

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1 Q Can you tell me what actions you took, if any,
2 between the 11th and August 16th with regard to
3 Ms. Todd's situation?

4 A The 11th. Oh, I emailed transportation, which
5 you saw the email on one of the exhibits. I emailed
6 transportation for Mr. Dennison. We had another
7 conversation maybe a couple of days after that. He
8 called and -- he was still complaining with
9 transportation, said they couldn't provide
10 transportation, and asked me what I could do, and --

11 Q Wait. I'm sorry. When you say he called and
12 asked you, can you just say who you're talking about?

13 A I'm sorry. It was sometime between -- after I
14 did send the email, Mr. Dennison did call me back,
15 maybe a couple of days, maybe three days. I can't
16 remember for sure.

17 He said they're not going to provide
18 transportation for his children, and he said he was
19 going to call the news. He was going to call downtown.
20 I said, you know, you can talk to another supervisor,
21 go up the ladder, but there's nothing I can do as far
22 as with transportation. That was out of my
23 jurisdiction.

24 I did have a conversation and told Ms. Todd on
25 the phone. She complained about not having

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1 transportation, and it was more a let's try to figure
2 something out kind of thing with her, but she didn't
3 want to do that. She wanted transportation.

4 That's when the meeting was scheduled -- no.
5 After that, the meeting was scheduled for the 16th. So
6 there was some talk in between.

7 Like I said, I was assuming it was something
8 we would work out, get the kids to school. I didn't
9 know it was going to go this far. But because nothing
10 was -- nothing had happened and the kids was still out
11 of school, she did agree to meet on the 16th.

12 Q So who requested that meeting?

13 A Someone downtown. I don't know for sure. I
14 would assume it might have been Dr. Spiller, but I
15 don't want to say because I don't know. But I do know
16 that Dr. Anthony, I can tell you, for a very short
17 period of time, she came to the meeting.

18 Q Who else do you remember was at that meeting?

19 A Dr. Anthony, Dr. Vaughn, Mr. Dennison,
20 Ms. Todd and myself.

21 Q Was Nicole Spiller at the meeting?

22 A No, she wasn't.

23 Q So what I think I heard you say was that
24 between your first conversation with Mr. Dennison and
25 the meeting, you had one other conversation with

53

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1 Mr. Dennison and a conversation with Ms. Todd; is that
2 right?

3 A I'm not going to say it's accurate. It may
4 have been a couple with Mr. Dennison, a couple with
5 her. I can't remember, but we did have conversations.

6 Q And do you remember if you called them or if
7 they called you?

8 A I know I called -- I've called Mr. Dennison
9 before and I've called Ms. Todd because I remember
10 Ms. Todd corrected me when I said "her husband." I was
11 thinking they were married. And she said, "No, that's
12 my children's father. That's not my husband."

13 And we talked about them with the
14 transportation issue and just talking positive about we
15 got to work this thing out, the kids need to come to
16 school. We never had any disagreement between the
17 three of us.

18 Q I think one of the next documents I would like
19 to introduce has already been introduced -- well,
20 Exhibit G and Exhibit O are the same. They're both
21 Bates stamped 228.

22 MR. WARCO: Although Exhibit O -- I'll
23 note for the record -- has more pages to it
24 than Exhibit G.

25 MR. FLACK: Thank you.

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1 BY MR. FLACK:

2 Q So I want to keep discussing the first page of
3 Exhibit O. You were participating in this meeting
4 because you were the school social worker; is that
5 correct?

6 A Yes.

7 Q And at that meeting, Ms. Todd was asking for
8 an accommodation for her blindness; is that right?

9 A For her children to come to school because she
10 was blind. Is that what you're saying? Yeah.

11 Q So she was asking for some school-sponsored
12 means of getting the kids to school?

13 A Yes.

14 Q Because her blindness was preventing her?

15 A Yes.

16 Q And so, in effect, she was asking that her
17 children be given access to their educational program;
18 is that right?

19 A She requested bus transportation so her kids
20 could come to school. That's what she was requesting.

21 Q Thanks. I agree.

22 Because without that transportation that she
23 was requesting, the children wouldn't be able to get to
24 school; isn't that right?

25 MR. WARCO: Object to form.

55

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1 BY MR. FLACK:

2 Q You can answer.

3 MR. WARCO: You can answer. Sorry.

4 Unless I tell you not to answer, you always
5 answer.

6 A (By the Witness) Okay. Ask the question
7 again. You asked me that -- say it again.

8 Q I was following up on the previous question.
9 I was saying she was requesting a school-sponsored
10 means for her children to get to school?

11 A Yes.

12 Q And that's because without a school-sponsored
13 means of her children getting to school, she had stated
14 to the school that she wouldn't be able to get them
15 there through any other way?

16 A Correct.

17 Q Isn't it also correct that she was asking APS
18 to send a bus to her house?

19 A Yes.

20 Q There's also in the August 17th entry a
21 reference to a three-day attendance letter; is that
22 right?

23 A Yes.

24 Q What is a three-day attendance letter?

25 A That's when the children have missed three

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1 unexcused days. And it could have been a few more. I
2 can't remember for sure. That is the first letter that
3 was sent out.

4 Q And did you send that on August 17th?

5 A Yes. It was after the meeting.

6 Q So the meeting was on August 16th?

7 A Yes.

8 Q So is it possible you sent that letter on the
9 16th and put the entry in about what you did just the
10 following day?

11 A I mailed the three-day letter on the 17th. I
12 was referencing the meeting on the 16th because what
13 happened was I explained to them, you know, about the
14 attendance law after the meeting. I explained to them
15 the attendance law, I don't have any control over it.
16 So I just hope we don't have to go to court. But I
17 have to do my job. So the next day -- I do remember
18 the next day was the day that I sent the letter.

19 (Exhibit P-P was marked.)

20 BY MR. FLACK:

21 Q Okay. I'm going to hand you what I marked as
22 Exhibit P.

23 If you would turn to the back, Mr. Harleston
24 -- I'm sorry. If you would turn to the page numbered
25 225 in the bottom right corner, which is the

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1 third-from-last document in Exhibit P.

2 Is this the three-day letter that you sent to
3 R.D.D.? There's a date at the top right.

4 A Yes.

5 Q And is Document 226, which is the next page,
6 the three-day letter that you sent to R.E.D.?

7 A Yes, it is.

8 Q Then can you tell me about what Document 227
9 is, which is the next page?

10 A That's a copy of the Georgia Compulsory School
11 Attendance law.

12 Q Why did you include that?

13 A Because it's part of our job to make sure that
14 parents -- even though we verbally explain to the
15 parent the attendance law, because I don't know it all
16 the way through. So we tell them the gist of it. But
17 just to make sure that they understand it, we send it
18 to the parent.

19 And I did put in my note -- well, I know she
20 was blind, Ms. Todd is blind, and I know she couldn't
21 read it. When I did talk to Mr. Dennison, it was my
22 understanding -- I was still thinking that they were
23 married at that time. I let him know that I did send a
24 copy of the law.

25 Q I want to make one clarification for the

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1 record. Referring back to Exhibit N, I had said that
2 Ms. Todd wrote this. But I just wanted to clarify that
3 she actually read it out loud and one of her children
4 wrote it down.

5 So at the meeting, did you say to Ms. Todd and
6 Mr. Dennison that you would be sending these letters?

7 A After the meeting, they were kind of upset,
8 and we walked out, and they calmed down, and we were
9 talking about it. Like I said, we didn't have a bad
10 relationship. They wasn't angry with me.

11 I was explaining my role and that I hoped I
12 wouldn't have to refer the case to court, but -- and
13 that at the time, we did talk about the law.

14 Q Did you tell her that you would be sending
15 these letters?

16 A I don't remember saying -- telling her I would
17 send the letter. I explained my role and what could
18 possibly happen or what I may have to do down the line.

19 Q And so at the meeting, that was the first time
20 you met Ms. Todd; is that right?

21 A Yes.

22 Q And so you had been told prior to that that
23 she was blind?

24 A Yes.

25 Q But on August 16th at the meeting, you saw

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1 her, and you were very much aware that she was blind;
2 is that right?

3 A Yes.

4 Q And why is there no document for their
5 youngest daughter, D.T.?

6 A Because De'anna didn't come under the Georgia
7 Compulsory School Attendance law.

8 Q Thank you.

9 And so is it correct that you had included
10 Document 227, which has the compulsory education law --
11 is it correct that you included that in the letters so
12 that Ms. Todd would know the penalties for failing to
13 get her kids to school?

14 A Yes.

15 Q Because under this law, it's the parent's
16 responsibility for getting their kids to school; is
17 that right?

18 A Yes.

19 Q So if we could just now -- did you send
20 additional letters to Ms. Todd regarding her children's
21 absences?

22 A No. She probably got something from the
23 attendance committee. Those three were mine. They had
24 my signature on it.

25 Q Okay. So can we turn to Document 224. Is

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1 this a document that you think you may have sent to
2 Ms. Todd?

3 A Yes.

4 Q Because that's your name and signature at the
5 bottom; is that right?

6 A Yes.

7 Q And the date in the top right is the 23rd; is
8 that right?

9 A That's the date it was generated, yeah.

10 Q So did you send a second warning letter to
11 Ms. Todd?

12 A You know, I'm remembering now. We learned --
13 they did something with Infinite Campus, which
14 generates our letters, something with Infinite Campus
15 that generates our letters. I learned that so I think
16 I do remember sending it so they would know how many
17 days it was.

18 See, initially we had our standard letter. We
19 had our standard letters, and -- wait a minute. We had
20 our standard letters -- it's the same one. You're
21 saying that I sent more than one, right? Is that what
22 you're asking me?

23 Q I'm asking you if this is the second warning
24 letter that you sent to R.E.D. or that you sent to
25 Ms. Todd regarding R.E.D., the document --

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1 A Yeah. I'm pretty sure it is. Yes.

2 Q And then turning back a page to Document 223,
3 is this the second warning letter that you sent
4 regarding R.D.D.?

5 A 222 or 223?

6 Q 223.

7 A Yes.

8 Q Okay. The report was generated on the 23rd of
9 August. Do you have any recollection as to when you
10 sent these letters?

11 A The first letter was the 17th. The second
12 letter was the 24th.

13 Q Thank you. Okay. And now moving back to the
14 beginning of this packet of Exhibit P, Document 220,
15 can you identify this letter?

16 A That's a standard letter. We have a
17 attendance committee for -- all schools have their own
18 attendance committee, and that is a letter from the
19 student attendance committee in efforts to improve
20 attendance.

21 Q And it's to what?

22 A It's in efforts to improve attendance.

23 Q If the report was generated for this document
24 on 8/25, was it likely sent on or around the 25th of
25 August?

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1 A I don't know. I don't have anything to do
2 with this.

3 Q So when will an attendance committee -- can
4 you try to explain -- I don't fully understand -- the
5 interactions between your letters and then the
6 attendance committee, which also sends letters?

7 A Well, you know, this year it's a little
8 different at Continental Colony. They are really
9 trying to improve their attendance. We have this
10 competition in the cluster. I think it's a little
11 plaque or whatever. But we have some attendance
12 issues.

13 So Dr. Vaughn -- this is her first. She's
14 new, and she's really serious about wanting to improve
15 attendance. So the committee will meet monthly. We
16 meet monthly, and they just come up with strategies and
17 ways to improve attendance. It could be for having
18 parties for perfect attendance or whatever, whatever.
19 So they are really serious about it.

20 And you may see some kids getting, I mean,
21 letter, letter, letter. They even asked me about
22 kids -- I can only deal with my letters with kids who
23 are unexcused absences, kids that come under the
24 Georgia Compulsory School Attendance law. But they're
25 so serious about attendance. She has a list, wanting

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1 me to call to encourage the parents to send them even
2 though, you know, so just real serious about
3 attendance. So different people may just send out
4 letters to get the kids to school.

5 Q That makes sense. Thank you.

6 So this doesn't count as the third warning
7 letter; isn't that right?

8 A I never did like the part "warning," you know,
9 myself, that that was something they came up with. We
10 had to change our things when the juvenile code changed
11 a couple years or so ago. And so when they developed
12 the CHINS, they came up with this letter just to show
13 like a sequence of your intervention.

14 If I had to go to court, I will use these
15 letters also just to show that I'm going to try to get
16 the parents to get kids to school. Everybody -- it was
17 the effort from the attendance committee and everybody
18 from the school. So I would be able to use those
19 letters.

20 Q Okay.

21 MR. WARCO: Keep going.

22 MR. FLACK: Okay.

23 BY MR. FLACK:

24 Q Looking back at Document 228 -- all right.
25 I'll actually change what I'm going to ask.

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1 So looking at the compulsory attendance law or
2 not, I'm just going to ask you some questions about the
3 compulsory attendance law.

4 (Mr. Warco rejoins deposition proceedings.)

5 BY MR. FLACK:

6 Q So as I think you said earlier -- but you
7 could confirm or clarify -- parents are required to
8 comply with the compulsory attendance law; is that
9 correct?

10 A The law reads like that. However, Fulton
11 County does it a little different sometimes, meaning
12 that, yeah, Fulton County juvenile court. The law says
13 it, but the court looks at it kids -- I think it's 12
14 and under. They rely more on their parents to get them
15 to school. So they're kind of heavy on the parent for
16 educational neglect.

17 The kids that are 12 and over, 13 and over,
18 sometimes 11, the judge will charge them with truancy
19 because they're voluntarily not coming to school. So
20 that's how Fulton County does it. Now, if a social
21 worker prove a case that a parent is keeping a child
22 out to baby-sit or something like that, then it may go
23 back to the educational neglect part and charge the
24 parent.

25 Q Thank you.

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1 So what is your understanding of a parent's
2 obligation under the Georgia's compulsory education
3 law?

4 A They're obligated to ensure that their child
5 is going to school every day.

6 Q So they're not allowed to ignore the law,
7 right?

8 A True.

9 Q And Atlanta Public Schools has a
10 transportation program which helps enable parents to
11 comply with that law, right?

12 A Yeah.

13 Q So without using the benefit of Atlanta Public
14 Schools' transportation, parents have to find some
15 other way to get their kids to school; is that right?

16 A Would you ask me that again?

17 Q So if a child -- sorry. If a parent isn't
18 eligible to receive the benefit of APS transportation,
19 then the parent needs to find some other way to comply
20 with the law; is that right?

21 A Yes.

22 Q So would you agree that the school buses help
23 parents comply with this law?

24 MR. WARCO: Object to form.

25 THE WITNESS: I can answer? Okay.

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1 BY MR. FLACK:

2 Q I can restate it.

3 A Ask me again.

4 Q Would you agree that the school buses provided
5 by APS help parents comply with this --

6 A Yes.

7 Q -- law?

8 A Yes.

9 Q And so when a parent is using the bus services
10 because their children are riding on the bus, the
11 parent is benefitting from APS's transportation
12 service. Would you agree with that?

13 A Yes.

14 Q And the compulsory education law requires
15 either private school, home school or public school; is
16 that right?

17 A Yes.

18 Q And if parents can't home school, they must
19 either send their children to private school or public
20 school; is that right?

21 A Yes.

22 Q And if you can't afford private school, you
23 have to send your kids to public school, right?

24 A Yes.

25 Q So the existence of free education is a

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1 benefit that the parents also enjoy. Would you agree
2 with that?

3 MR. WARCO: Object to form.

4 A (By the Witness) Yeah.

5 Q You would agree with that?

6 A Yes.

7 Q Okay. So it might be -- so would you agree
8 that you could say that the bus service helps students
9 but also helps parents?

10 A Yes.

11 Q And so would you agree that it's a benefit to
12 parents?

13 MR. WARCO: Object to form.

14 A (By the Witness) Yes.

15 Q So let me get organized for a second. Strike
16 that.

17 So looking back at Exhibit O, the entry dated
18 9/8 that it appears that you entered where it says,
19 "mailed third attendance letter and filed CHINS with
20 juvenile court," do you see that?

21 A Yes, yes.

22 Q So just to clarify, you never sent that
23 letter, and you didn't file the CHINS petitions?

24 A That's true.

25 Q I would like to turn to that petition.

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1 A May I correct something?

2 Q Yes, please.

3 A It's actually a referral and not a petition.

4 Q Thank you. You know more about this than I
5 do. So I appreciate that.

6 A It changed a couple, few years ago.

7 Q So do you have a copy of either Exhibit L or
8 M, the CHINS referral in front of you?

9 A I have my own. I don't have the one that you
10 labeled.

11 Q That's fine.

12 I'll show you Exhibit L just so you can look
13 at this one. Do you see on the second page -- did you
14 write what is in these boxes on the second page?

15 A I did.

16 Q Did anyone help you write these sentences?

17 A No.

18 Q Or ideas?

19 A Did anyone help me . . . I bounce stuff off of
20 my coworkers who are parents. So I'm just trying to
21 remember did I call anybody.

22 Q Yeah.

23 A I think I did it all myself.

24 Q Okay. Earlier you said that Mr. Dennison and
25 Ms. Todd explained that they really did want their kids

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1 to go to school; is that right?

2 A Yeah.

3 Q I think that's what you said earlier.

4 A Yeah.

5 Q And, yeah, they did want their kids to go to
6 school?

7 A Uh-huh (affirmative).

8 Q So here when you wrote Ms. Todd and
9 Mr. Dennison refused to send R.D.D. to school, can you
10 explain what you meant by "refused"?

11 A When you asked me and said they did, ask me
12 that question again.

13 Q Can you explain what you mean here by
14 "refuse," what you meant?

15 A Oh. Because according to policy, they were in
16 walking distance, and they had to walk to school,
17 didn't provide transportation. So that word is because
18 they refused to allow them to walk.

19 Q So did she -- but didn't -- at some point, did
20 she tell you that she was unable to walk because she's
21 blind?

22 A She is unable to walk. She's blind.

23 Q Did she explain that she didn't want her kids
24 to walk alone?

25 A Yes. She did talk about that.

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1 Q So she refused to let her kids walk alone down
2 this street; is that right?

3 A Yes.

4 Q Now, I want to talk a bit, going back to the
5 August 16th meeting. Were there any discussions of
6 alternative proposals and ways that the school and you
7 could help the children get in to school?

8 A Yeah. We were trying to come up with ways,
9 you know. Actually, like I said, at that -- prior to
10 that meeting, because we normally figure things out to
11 make things work, we felt -- because we're not
12 transportation. I mean, we're all support staff at
13 that table, and the goal was to find some kind of way
14 to make things work for the children to come to school.

15 And Dr. Vaughn, who is the principal, and I,
16 we were just talking a few days before, whatever, about
17 situations. We had a couple of kids that walked their
18 way, and they were positive, and "positive" meaning
19 they didn't get into trouble. They respond when they
20 call their parents on the cellphone when they get to
21 school because the parents that work. So that was one
22 of the things that she and I, we just threw out. We
23 thought that may work.

24 Q I'm sorry. Is that the idea that has been
25 referred to as a walking pool?

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1 A I had heard before that it was a parent that
2 was going to walk. That was never a part of Dr. Vaughn
3 and my conversation. I think I explained to you, I
4 think, that that was never -- an adult wasn't in that.

5 Q Yeah. So if I can just clarify that point,
6 because that was something I wanted to talk about. So
7 from your understanding of the walking pool, was there
8 ever a parent involved in that walking pool?

9 A No.

10 Q So what did the walking pool consist of?

11 A I don't know where the pool part came. It was
12 just a conversation that we were trying to figure out
13 to get the kids to school.

14 Dr. Spiller, Nicole Spiller, made reference to
15 that to me also about a parent, and that was my -- I
16 don't know if that was my first time I heard about it
17 or if you had said it or what. I explained to her no
18 one ever said anything about an adult that I know of.
19 The conversation we had were kids. And I corrected her
20 on that, and she was under the understanding. Unless
21 somebody else said it, I don't know anything about it.

22 Q So you never knew of a parent that was in the
23 neighborhood prepared to walk the children?

24 A No.

25 Q To school?

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1 A No.

2 Q Isn't it true that very few children who go to
3 Continental Colony walk to school?

4 A I don't know a percentage, but a lot of them
5 walk.

6 Q Okay. So would you say the majority drive?

7 A Bus or drive, you're saying?

8 Q Yes.

9 A I think we have about 4- or 500. So probably
10 a majority of them ride, take a school bus, yes.

11 Q I went out there one morning myself and didn't
12 see hardly any kids walking to school. I was there
13 right when school was starting around 7:30. So if a
14 lot of kids are walking, why do you think I didn't see
15 anyone?

16 A You said "a lot." I don't have a number, but
17 I can only go by the distances where I know that 2900
18 don't walk. I know the addresses because I go on home
19 visits and stuff. I know the ones that are walkers.

20 Sometime I go -- have to be there early, and I
21 see parents, you know, and kids and everybody walking
22 to school. The ones on Continental Colony Parkway,
23 coming from the mall, those few apartments on that
24 side, they walk.

25 Q Do you know if many walk on the

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1 Fountainebleau?

2 A No, because normally when I -- only time I
3 really went that -- once in a while. If I'm going
4 home, I go that way, or if I -- and I went to see where
5 they lived. But, normally, I will come down, come from
6 Therrell High School. I would come down by Greenbriar
7 Mall. So I don't come that way enough to see the kids
8 walk that way, especially in the morning.

9 But I do -- the parents complained last year,
10 the year before last, on that side because of weather
11 and kids walking. I do remember that.

12 Q Wait. I'm sorry.

13 A Not on the Fountainebleau side, but on the
14 Stone Hogan Connector, the one coming from the mall,
15 complaints about that.

16 Q And earlier you made a clarification that you
17 never did a second home visit, because there was a
18 notation on one of the exhibits that you did.

19 A Actually, that entire statement doesn't
20 pertain to that family. So that has nothing to do with
21 the Dennisons.

22 Q I want to just clarify. Is that on Exhibit O?
23 Is it the last entry on O?

24 No. It's not that one.

25 Yeah. Just so we all are straight, I want to

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1 figure out.

2 A That was on 9/27.

3 Q Yes. So if you have Document 229 in front of
4 you.

5 A I do.

6 Q So that entry on September 27th regarding a
7 home visit just pertains to an entirely different
8 family?

9 A It does.

10 Q Okay. Did you make a home visit with regard
11 to Ms. Todd and Mr. Dennison?

12 A I think I went to their house once. I think I
13 went once. I didn't notate it. But it was -- I went
14 once, but I can't remember exactly the conversation.

15 But, like I say, it was before all of this.
16 It was more like let's get the thing -- we'll figure
17 out something sort of thing. I can't remember for sure
18 what day it was or when it was.

19 But we talked so frequently -- well, after
20 this meeting on the 16th -- 17th -- yeah, 16th, 17th,
21 is when the legal issues started. So I was kind of out
22 of it.

23 Q So do you think the home visit happened before
24 or after the August 16th meeting?

25 A I don't even remember, to tell you the truth.

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1 Q Earlier you had said that your memory was that
2 the first time you met Ms. Todd was at the August 16th
3 meeting?

4 A Right, right. So evidently there may -- no,
5 no. I know for a fact it was the first time meeting
6 her. So I guess I didn't do a home visit. That's not
7 in my notes. We talked so frequently. I guess I
8 didn't do a home visit.

9 Q Do you have a memory of entering her house?

10 A No, I don't.

11 Q So maybe it's the case that you didn't -- that
12 you never did a home visit? Is that what --

13 A I don't think I did one, right. A lot of
14 times home visit is when you can't contact people or
15 you have to take something or whatever. So that's
16 probably what that was. I didn't do one. So that's
17 probably why I didn't document it.

18 Q Okay. And did anyone instruct you, any
19 supervisor, to do a home visit?

20 A No.

21 Q Probably not, because if they had, you would
22 have done it?

23 A Oh, I know. My supervisor did, but it was --
24 she -- when I had explained to her a little bit about
25 the case because she didn't know. As I told you

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1 earlier a few days -- it was a little time before. She
2 had just gotten here. And she was talking about, well,
3 maybe the parent needs different, other services.
4 Maybe she can't get around in the house. Maybe she
5 needs -- it was a few things that she was saying.

6 So -- and that time I knew Ms. Todd was angry,
7 and I called her. I said, well, my supervisor want to
8 know do you need anything else, you know, other
9 services other than the transportation; are you all
10 right in your house.

11 And she said all she wanted from the school
12 was transportation. So I do remember that. That was
13 the only time I was instructed that I needed to do
14 that. But she said I didn't need to do it. Everything
15 was fine.

16 Q Are you aware of any times when a school
17 official did pick up a child and helped them get to
18 school?

19 A I mean, back in the day, you know, years ago
20 when I started, you know, you gave rides, but, you
21 know, policies came out then you can't ride kids in
22 your car anymore. Different legal actions happen when
23 you do. Not recently I don't know of any.

24 Q Earlier you mentioned that Continental Colony
25 is having attendance issues this year; is that correct?

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1 A Yes.

2 Q Can you explain what you meant by that?

3 A I said this year, last year too. You know,
4 one of the first things new principals look at or a
5 principal look at regardless of when you come in is
6 your attendance, how the attendance is. It's something
7 about -- what's that phrase they use?

8 After six days absence, regardless if it's
9 excused or unexcused, I don't know what the CCRP -- I
10 don't know what that -- CCRP -- affects your CCRP with
11 the state. So when the state looks at it, it's not
12 like excused or unexcused. The kids missed those days.
13 So, you know, there's a big campaign to -- interest to
14 get your attendance up, get kids to school every day.

15 Q It sounds like you're aware that some absences
16 are excused and some are unexcused?

17 A As far as the Dennisons?

18 Q No. Just in general.

19 A Oh, yeah, right.

20 Q The law permits some excused absences, some
21 absences to be excused?

22 A Oh, yes, right.

23 Q Am I right that one of those exceptions is
24 when --

25 MR. FLACK: I'm sorry. I'm going to

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1 go off the record for just a second. We'll
2 take a five-minute break.

3 (Recess from 3:37 p.m. to 3:43 p.m.)

4 BY MR. FLACK:

5 Q Mr. Harleston, I wanted to refer you back to a
6 document that was in that packet. It's Document 225.
7 Do you see where it says "written excuses from parents"
8 in the second paragraph?

9 A Yes.

10 Q And then that begins a list of potential
11 written excuses starting with "when personally ill"?

12 A Yeah.

13 Q Further below, "weather or other environmental
14 conditions preventing the student from getting to
15 school"?

16 A Yeah.

17 Q So are these the exceptions -- sorry. Are
18 these valid excuses?

19 A To make the excuses excused, yeah.

20 Q To make the absences excused?

21 A Yes.

22 Q And does this list reflect APS's policy?

23 A Yes.

24 Q Is that policy based on Georgia law?

25 A Yes.

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1 Q So these excused absences come from the
2 compulsory education law?

3 A I beg your pardon?

4 Q These come from the compulsory education law?

5 A Yeah.

6 Q And wouldn't you agree that it's fair for
7 parents to rely on this information to determine what's
8 an excused or unexcused absence?

9 A For parents rely on -- yeah.

10 Q All right. Are there any clarifications you
11 want to make to the record? I don't have anything
12 else.

13 A No. I can't think of any. No.

14 MR. FLACK: All right. Then I would
15 like to adjourn this deposition.

16 (Deposition was adjourned at 3:45 p.m.)

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C E R T I F I C A T E

I hereby certify that the foregoing transcript was reported, as stated in the caption; that the witness was duly sworn and elected to reserve signature in this matter; that the colloquies, questions and answers were reduced to typewriting under my direction; and that the foregoing pages 1 through page 81 represent a true, correct, and complete record of the evidence given.

I further certify that I am not disqualified for a relationship of interest under O.C.G.A. 9-11-28(c); that I am a Georgia Certified Court Reporter here as a representative of D'Amico Gershwin, Inc.; that D'Amico Gershwin was contacted by the party taking the deposition to provide court reporting services for this deposition; that I will not be taking this deposition under any contract that is prohibited by O.C.G.A. 15-14-37(a) and (b) or Article 7C of the Rules and Regulations of the Board; and by the attached disclosure forms I confirm that I/D'Amico Gershwin is not a party to a contract prohibited by O.C.G.A. 15-14-37 or Article 7C of the Rules and Regulations of the Board.

The above certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done under the auspices of D'Amico Gershwin, Inc., and the signature and original seal is attached thereto.

This, the 16th day of December, 2016.



CHARNA S. PERLOE
Certified Court Reporter A-457